

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 16, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, October 2 and 9, 2005 Worksessions.

Action: Approved, (DLB/WMH, 5-0).

2. **A-5860, Appeal of Carol Lynn Green** (Department of Permitting Services (DPS) - Issuance of Building Permits No. 277698). Letter to the Board from the appellant withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the appeal as withdrawn; (2) granted 100% (\$200.00) refund of the filing fee, (DLB/AMC, 5-0).

3. **A-6029, Appeal of Judith and Thomas Burruss; Alan Gaunoux** (Department of Permitting Services (DPS) - Issuance of Building Permits Nos. 330255 and 344132). Notice of Appeal to Court of Special Appeals from Steven VanGrack, Esquire.

Action: (1) Re-opened the record to include Notice of Appeal to the Court of Special Appeals; (2) appeal stays action by the Board, (AMC/DLB, 5-0)

4. **A-6049, Appeal of Barry and Laurie Stien** (Department of Permitting Services – Notice of Violation). Letter to the Board from Malcolm F. Spicer, Jr., Assistant County Attorney, withdrawing the Notice of Violation.

Action: (1) Re-opened the record to include the letter from Mr. Spicer; (2) dismissed the appeal as moot, (CLH/WMH, 5-0).

5. **A-6056, Petition of Lawrence K. and Jennifer L Bou** (new single-family dwelling). Letter to the Board from Rebecca D. Willens, Esquire, requesting to modify the variance granted in the Board's Opinion dated 4/7/05 and to supplement the record. (Large exhibits: site plan, front/right side elevation and rear/left side elevation).

Action: (1) Re-opened the record to include Ms. Willens' letter; (2) no action required by the Board, (DLB/CLH, 5-0).

6. **A-6062, Petition Stephen J. McGarry** (accessory structure/garage). Inspection report to the Board from James C. Martin, Investigator, DPS.

Action: (1) Re-opened the record to include Mr. Martin's inspection report and a letter from Mr. Strongin; (2) item will return to the 12/7/05 Worksession, DLB/CLH, 5-0).

7. **S-908, Petition of Sandwich Chef Restaurant, Inc.** (retail establishment is an office building). Letter to the Board from Ho Sung Kim requesting a transfer of the special exception and an administrative modification.

Action: (1) Granted transfer of the special exception; (2) granted administrative modification, (AMC/CLH, 5-0).

DECISION ITEMS:

8. **S-2650, Petition of S. Saqib Ali and Susan C. Ali** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (WMH/DLB, 5-0).

9. **S-2657, Petition of Geiza Dourado Carvalho** (major home occupation). Memorandum to the Board from the Hearing Examiner requesting a dismissal of the special exception. Also included is letter from the petitioner withdrawing the special exception and requesting a refund of the filing fee.

Action: (1) Dismissed the special exception as withdrawn; (2) granted 50% (\$250.00) refund of the filing fee, (WMH/AMC, 5-0).

PENDING ITEMS:

10. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

11. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

12. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].

13. **CBA-2115, Petition of Dr. Elliott Shapiro** (non-resident medical practitioner). Letter to the Board from the petitioner requesting a transfer of the special exception. Item deferred for revised site plan from petitioner. [W/S 11-2-05].

PENDING ITEMS (continued):

14. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP). (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans. [W/S 9/14/05].

15. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. W/S 2-18-04].

16. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].

17. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].

18. **S-1835, Petition of Patricia Haseman and Richard Mason** (private riding stable). Letter from Christine Reilly Lombardo notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for future Worksession for staff to contact Mr. Lombardo. [W/S 7/27/05].

19. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan. [W/S 11/12/03].

20. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

21. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Administrative modification requests, dated 12/30/04 (returning from pending list), 10/27/05 (responding to the Board's request), and 10/29/05, from Scott Armiger, Vice President. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). (1) Re-opened the record to include a letter from Stuart Rochester, Chair, Fairland Master Plan CAC. (2) Request for additional information from DHCA. [W/S 10-26-05].

Board Members

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Donna L. Barron, Vice Chair
Angelo M. Caputo
Wendell M. Holloway
Caryn L. Hines

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 16, 2005, 9:30 a.m.

ACTION ITEM:

1. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans].

Action: Item deferred until 12/7/05 Worksession, consensus.

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